

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SANDRA CASSIDY,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:17-1153</b>
<b>v.</b>	:	<b>(D.J. MANNION)</b>
		<b>(M.J. CARLSON)</b>
<b>NANCY A. BERRYHILL,</b>	:	
<b>ACTING COMMISSIONER OF</b>	:	
<b>SOCIAL SECURITY,<sup>1</sup></b>	:	
<b>Defendant</b>	:	

**MEMORANDUM**

Pending before the court is the report of Magistrate Judge Martin C. Carlson filed on January 5, 2018, which recommends that the plaintiff's request for a new administrative hearing be granted and the Commissioner's decision denying the plaintiff's application for disability benefits be vacated. Judge Carlson also recommends that this case be remanded to the Commissioner to conduct a new administrative hearing pursuant to 42 U.S.C. §405(g). (Doc. 10). On January 18, 2018, the Commissioner waived the opportunity to respond to Judge Carlson's report, (Doc. 11), and, on January 19, 2018, the plaintiff filed a letter indicating that she was not objecting to the report.(Doc. 12).

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<sup>1</sup>On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn W. Colvin, Acting Commissioner of Social Security, as the defendant in this suit.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Carlson for recommending that the plaintiff’s request for a new administrative hearing be granted and the denial of her application for benefits be vacated. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: January 23, 2018**

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